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SERIES.

G.O. No. 1104

Dated 5-5-1948

[Despatch Abstract.]

Labour - Establishment of common Industrial Tribunals for the Central and Provincial spheres.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR.

No. LR. 86 (1). Dated New Delhi, the 16th January 1948.

From

V.K.R. Menon, Esquire, I.C.S.
Joint Secretary to the Government of India.

To

All Provincial Governments.

Subject: Tribunals for settlement of Industrial Disputes.

Sir,

A resolution unanimously adopted at the Industries Conference held at New Delhi in December 1947, recommended inter alia that the fullest use should be made of statutory and other machinery for the resolution of industrial disputes in a just and peaceful manner; where it does not exist, it should be created without delay, and that such machinery should as far as possible be uniform throughout India.

2. The Central Government has for some time been considering the question of setting up Central Industrial Tribunals. Provinces were also addressed with a view to having common panels of adjudicators for dealing with disputes both in the Central and Provincial sphere. Obviously uniformity in regard to adjudication cannot be ensured if different adjudicators are invariably appointed for disputes which has often little relevance to provincial boundaries. The replies received from the Provincial Governments also show that the status of adjudicators appointed in provinces varies to some extent and while in one province the Industrial Court consists of judges who are permanent judges or retired judges of the High Court, officers of the rank of district judges and even lower are appointed as adjudicators in some other provinces. Provincial Governments will perhaps agree that while in major disputes, whether in the Central or Provincial sphere, a high ranking officer of the status of a High Court Judge should be appointed, an officer of a lower rank should do amply for dealing with less important disputes.

3. After careful consideration the Central Government propose to appoint officers of the rank of High Court judges or who are fully qualified to be such, as permanent tribunals in five important centres in India, namely, Calcutta, Bombay, Madras, Dhanbad, and Kanpur. Primarily, the function of these Central Industrial Courts - consisting in each case of a single judge will be to deal with major disputes in the Central sphere, but such disputes may not engage their whole time. Equally it would be inadvisable to use these judges for adjudication in petty disputes. The best arrangement may, therefore, be for these Courts to be available for dealing with major disputes not only in the Central but also in the provincial sphere. Similarly, it is suggested that in the case of less important

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disputes in the Central sphere, the Standing or Ad hoc tribunals already in existence in provinces should be made available. In other words, the tribunals, both those appointed by the Centre and by the provinces, will be available whenever circumstances permit, for dealing with disputes in both spheres, the dividing line being the nature of the dispute, that is, whether it is of a major or minor character. Provisionally, if five tribunals as suggested are appointed the area to be covered by each will be as indicated below:--

Calcutta: to cover West Bengal, Orissa and Assam.
Kanpur: to cover the United Provinces, Delhi. East Punjab and Ajmer-Merwara.
Bombay: to cover Bombay and the Central Provinces and Berar.
Dhanbad: Bihar Province and coalfields in Bengal.
Madras: to cover Madras Presidency.

4. The advantage of the suggestion in para 3 above will be that at least some measure of uniformity could be had, as desired in the resolution. There is, of course, no question of attaining a cent per cent uniformity which is unattainable even in regard to ordinary decisions by High Courts of different provinces. I am to enquire whether the Government of Madras, agree with the proposed. The question of sharing of the cost between ~~the~~ the Centre and the Provinces will also arise. This may be done either by the provinces towhich the services of the Central Tribunal are made available paying a definite share of the cost of the Tribunal or a contribution for services actually rendered to the Province. In the later event, a daily rate may be prescribed payable by the Province for the number of days on which the services of the Central Tribunal are utilised. Similarly, the Central Government will also agree to pay for the services of Provincial Governments' tribunals when utilised for dealing with disputes of a less important character. Fuller details can be settled without much difficulty if the main principles are accepted by Provincial Governments.

5. The Government of India would be grateful for the views of the Provincial Government on these suggestions. Equally they would welcome any alternative suggestion which the Provincial Government may wish to make to fulfil the main objective in the resolution regarding uniformity in the machinery of adjudication throughout Indian A very early reply is requested as the Central Government is anxious that all machinery for implementing the provisions of the resolution should be set up as early as possible.

I have the honour to be,
Sir,
Your Most obedient servant,

Sd. V.K.R. MENON.
Joint Secretary to the Government of India

Copy to:
(i) All Chief Commissioners for information
(ii) Ministry of Industry and Supply for information
(iii) Chief Labour Commissioner for information

Sd. N.C. Kuppuswamy
Under Secretary to the Government of India.

/True Copy/

Development Department.

Letter No. MS. 1104, dated 5-3-48.

To

The Secretary to the Government of India,
Ministry of Labour,
N E W D E L H I.

Sir,

Sub: Labour - Establishment of common Industrial Tribunals for the Central and Provincial spheres.

Ref: Mr. V.K.R. Menon's letter No. LR. 36 (1) dated 25-1-1948.

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I am directed to state that this Government agree to the proposals of the Government of India to make the Central and Provincial Tribunals available for adjudication of disputes in both the spheres, the dividing line depending on the nature of the dispute, subject to the payment by either side of actual expenditure on the time spent by the Tribunals and staff on the work concerned.

Your etc.

Sd. x x x
Secretary to Government.

Copy to the Commissioner of Labour (with enclosure)

/True Copy/

Government of India.
Ministry of Labour

No. LR. 60 (3). Dated New Delhi, the 11th December 1948

From

Rai Bahadur H. Khanna,
Deputy Secretary to the Government of India.

To

The Secretary to the Government of Madras,
Development Department,
M A D R A S .

Subject: Formation of standing Industrial Tribunals.

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Sir,

I am directed to invite a reference to the Labour Department letter No.LR 60 (1), dated the 12th July 1947, on the subject of making available High Court Judges to function as ad hoc Tribunals under the Industrial Disputes Act, 1947, in respect of disputes falling within the Central Government sphere. As, however, it is now proposed to set up standing Industrial Tribunals at five centres in India, vide this Ministry letter No. LR 86 (1) dated the 26th January 1948, to deal with all major disputes, both in the Central and Provincial fields, while minor disputes, Provincial as well as Central, will be dealt with by ad hoc or standing Tribunals already established by Provincial Governments, the need for appointing ad hoc Tribunals envisaged in the letter of the 12th July 1947 referred to above will not, so far as the Central Government, is concerned exist any longer and the question of personnel for such Tribunals must necessarily be dropped. But at the same time it is imperative that for the manning of the proposed. Standing Tribunals arrangements should be made as expeditiously as possible.

As stated in para 3 of this Ministry letter of the 26th January 1948, each Standing Tribunal is to consist of only one Member of the rank of a High Court Judge. One such Tribunal has already been established at Dhanbad and Mr.F. Jeejeebhoy, Bar-at-Law, formerly Chief Judge of the City Civil Court of Rangoon and lately legal Adviser to the Government of Burma, has been appointed as Member. With regard to the remaining four Tribunals, I am to enquire whether the services of any High Court Judges can be spared; if so, full particulars regarding them may kindly be sent. If no sitting Judge can be made available, this Ministry may be informed whether the Provincial Government can recommend any of the retired High Court Judges or persons fully qualified to be appointed as such, in which case necessary information concerning them as well as the terms which are considered suitable in each case may be communicated. Provincial Governments will doubtless agree that these Central Tribunals should be manned by persons of wide experience and ability so as to ensure confidence of both organisations of employers and workers.

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2. I am to request the favour of a very early reply.

I have the honour to be,
Sir,
Your most obedient servant,

SD.H. KHANNA.
Deputy Secretaryto the Government of India.

/True Copy/

K. Thiagarajan 13.11.53
Office Assistant
~~Superintendent~~,
-11-1953,
MADRAS RECORD OFFICE.

ss/24-7.

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